## REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the thorough review of the present application. Based upon the amendments and the following remarks. Applicants respectfully request reconsideration of the present application and allowance of the pending claims.

<u>Miscellaneous Rejections</u>

1) Applicant is submitting herewith formal drawings corresponding to the informal drawings as filed. As no substantive changes have been made. no marked up copy of the prior drawings are submitted herewith.

2) Applicant is submitting herewith a revised abstract based on the Examiner's objections thereto.

3) Claim 37 has been amended to overcome the Examiner's objection thereto.

<u>35 U.S.C. § 102 Rejections</u>

**Claims 1-3, 7, 10, 18, 19, 29, 31-35, and 49-53 stand rejected under U.S.C. 102 as being anticipated by Chu et al.** In light of the following remarks. the rejection is respectfully traversed.

Independent claim 1. has been amended to read: "an imager control module executed by the multi-tasking operating system <u>concurrently with the histogram processing module, the imager control module being executed</u> as a high priority task that sets a gain and exposure for the imager based on the target contrast calculated by the histogram processing module." Claims 18, 19, 29, and 49 have been similarly amended. It will be understood that in the context of a single

core CPU, concurrent is understood to mean the rapid switching of the CPU's attention between modules. Accordingly, the amendment merely explains the use of the term "multi-tasking."

Referring to Chu et al., nothing therein suggests the use of a multi-tasking OS as that term is understood by those of ordinary skill in the art. As evidence thereof, Applicant has been unable to find any mention of the term "multi-task" or derivations thereof in Chu et al. Additionally, the terms "operating system" and "OS" also do not appear in Chu et al. Further, the undersigned has been unable to find any suggestion of the concepts attendant to a multi-tasking OS, including the assigning of priority to concurrently running tasks.

In making this rejection, the Examiner has evidently equated the term "multi-tasking" with the ability to perform more than one task – regardless of concurrency. The applicant respectfully requests that the Examiner give the meaning as understood by those of ordinary skill in the art – and as now explicitly recited in the claims. By way of example, the eighth edition of Barron's DICTIONARY OF COMPUTER AND INTERNET TERMS defines "multitasking" as: "the execution of more than one program apparently at the same time on the same computer. In reality, the CPU rapidly switches it attention among the various programs (see TIMESHARING)."

With reference to the claim amendments, Applicants respectfully submit that Chu et al. provides no teaching of of a multi-tasking system. The Examiner points to Figs. 2 and 5 along with col. 7 lines 20-30, col. 9, lines 9-64 and col. 13, line 22 through col.14, line 4 for such teaching. The Applicant has reviewed the cited passages and has been unable to find even the suggestion that the processes therein are performed in any manner other then linear – one after another. Col. 13 lines 22-25 seem representative: "The iterative process of capture, analyze and adjust utilized by the reader module 10...." This clearly indicates that each of the steps is performed in order - one after another. It is also to be noted that in prior Actions, the Examiner explicitly admitted that Chu et al. fails to disclose a multi-tasking operating system.

Applicant's also respectfully submit that Chu et al. provides no teaching of prioritization of modules. In fact, the term "priority," does not even appear in Chu et al. The terms high and low are only used to refer to voltage levels – not priorities. It is also to be noted that in prior Actions, the Examiner admitted that Chu et al. fails to disclose placing high priority on operations that adjust the setting of the imager. ·

For at least the foregoing reasons, withdrawal of the instant rejection is respectfully requested.

## 35 U.S.C. § 103 (a) Rejections

**Claims 9, 30, 37-39, and 41-47 stand rejected under U.S.C. 103 (a) as being unpatentable over Chu et al. in view of Danielson et al.** In light of the following remarks, the rejection is respectfully traversed.

Unlike Chu et al., Danielson et al. does appear to teach the use of a multi-taking OS wherein priority levels are assigned to routines. However, Danielson et al. only teaches that the battery monitoring software and diagnostics routines are run at a fixed priority. Even assuming, arguendo, that the term "fixed" in Danielson et al. equates to one of high or high priority, the combination of Chu et al. and Danielson et al. fail to teach setting an imager control module to a high priority while setting a concurrently running histogram processing module to a low priority as recited in claim 1. The remaining independent claims recite a similar assigning of priorities, for example claim 49 recites: "a first high priority software-exclusive module that provides imaging system control processing and a second low priority software-exclusive module that recognizes and decodes the image data."

Applicant has been unable to locate, in either Chu et al. or Danielson et al. any suggestion of using separate processes for the functions recited in the independent claim or the assigning of relative priority levels between such processes. For at least these reasons, withdrawal of the instant rejection is respectfully requested.

Claims 14, 16, and 17 stand rejected under U.S.C. 103 (a) as being unpatentable over Chu et al. in view of Feng. In light of the following remarks, the rejection is respectfully traversed.

Feng does not cure the defects noted above with respect to Chu et al. Accordingly, the combination cannot render claim 14-17 unpatentable. As such withdrawal of the instant rejection is respectfully requested.

## Conclusion

In view of the amended claims and the remarks submitted above. it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

In the event that extensions of time are necessary to allow consideration of this paper. such extensions are hereby petitioned under 37 CFR § 1.136(a). and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 503577.

Respectfully submitted,

HANDHELD PRODUCTS. INC.

Date: September 14, 2006

By: _____

HANDHELD PRODUCTS. INC.
7501 E. Independence Blvd.
Charlotte. NC 28227

Gerald P. Joyce III
Registration No. 37.648
(704) 998-3939

I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office on the date Shown below.

Date of transmission: September 14. 2006
Typed Name: Gerald P. Joyce III
Signature: _____